

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Lands – Sri Potti Sriramulu Nellore District – Writ Petition No.21229/2000 filed by Sri Edala Ravinder Reddy & (5) others, R/o. Ramalingapuram village, Degadarthi Mandal against the orders of the Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad - Hearing held on 31.10.2009 – Orders – Issued.

REVENUE (ASSN.II) DEPARTMENT

G.O.Ms.No. 739

Dated: 6.8.2010.

Read the following:-

1. From Sri Edala Ravinder Reddy and 5 others filed W.P.No.21229/2000, dated 6.11.2000.
2. Orders of the High Court of Andhra Pradesh, Hyderabad, in W.P. No.21229/2000, dated 15.11.2008.
3. Govt. Memo. No.65056/Assn.II(1)/2008, dated 6.1.2009.
4. From the District Collector, Sri Potti Sriramulu Nellore, Lr. No.Rc. E5/9573/2000, dated 3.2.2009.
5. From the District Collector, Sri Potti Sriramulu Nellore Lr.No. Rc .E5/9573/2000, dated 2.3.2009.
6. Govt. Memo. No.45188/Assn.II(1)/2008, dated 20.4.2009.
7. Govt. Memo No. 45188/Assn.II(1)/2008, dated 1.5.2009.
8. Govt. Memo No.45188/Assn.II(1)/2008, dated 8.9.2009.
9. From Sri Edala Raveender Reddy, representation, dt.19.9.2009.

ORDER:

In the reference 1st read above, Sri E. Ravinder Reddy & (5) others have filed W.P.No.21229/2000 challenging the orders of the Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad issued in Proceedings No. BCW 3/698, dated 28.8.2000 confirming the orders of Joint Collector, Nellore. On the request of the District Collector, Nellore, Government in earlier Memo. No.45188/Assn.II/03, dated 20.7.2006 have ratified the action of the District Collector, Nellore in having issued orders directing the Revenue Divisional Officer, Kavali to hold a fresh enquiry in pursuance of the orders of Hon'ble High Court in WA No.481/86 and requested the Government Pleader for Revenue (Assignments), High Court of Andhra Pradesh Hyderabad to file Counter Affidavit in W.P.21229/2000. The Hon'ble High Court in its order dated 15.11.2008 have disposed the said Writ Petition setting aside the impugned order of the 1st respondent (i.e., Chief Commissioner of Land Administration,) confirming the orders of Joint Collector who had earlier confirmed the orders of Revenue Divisional Officer, Kavali with a direction to Government that the matter shall be enquired into by a Competent Officer but final orders shall be issued by Government only.

(P.T.O.)

2. In the reference 4th read above, the District Collector, Sri Potti Sriramulu Nellore has furnished brief facts of the case as follows:-

3. The land in Sy.No.294, measuring Ac.14.40 cents of Peddaputhedu village, Degadarthi Mandal is classified as Santhagunta Poramboke, out of it an extent of Ac.13.90 cents was converted from Poramboke, to A.W. Dry and remaining extent of Ac.0.50 cents was kept as channel Poramboke. During the year 1977 the erstwhile Tahsildar, Kovur has leased out the entire land of Ac.13.90 cents to 24 SCs, 2 S.Ts and 1 B.C under CJFS Ramalingapuram, h/o. Peddaputhedu village of Dagadarthi Mandal, while assigning the above extent 10 encroachers who are landed persons were evicted from an extent of Ac.4.27 in Sy.No.294/1 of Pedaputhedu village.

4. Aggrieved by this, the evicted persons have preferred an appeal before the then Commissioner of Land Revenue, Hyderabad and the Commissioner of Land Revenue, while dismissing the appeal, has confirmed the orders of the Tahsildar, Kovur in granting land in favour of landless poor persons. As against these orders the applicants, Sri Nalubolu Ramireddy and 8 other ryots have filed a Revision before the Government and the Government, while disposing the revision in Memo. No.3872/B2/79-5, dated 16.4.79 has directed the District Collector to enroll the appellants also as members of the CJFS and to assign the lands to them, which are under their enjoyment.

5. In obedience to the orders of the Government the disputed land measuring Ac.2.87 cents was allotted to 5 ryots (OCs) by the Revenue Divisional Officer, Kavali on 2.8.79 duly cancelling the lease pattas granted to 22 harijans and possession was shown to them on 1.9.1979. Aggrieved by the orders of the Revenue Divisional Officer, Kavali, Sri Gali Papaiah and 15 others beneficiaries (SCs) whose leases were cancelled, have filed Writ Petition No.6016/79 and the Hon'ble High Court of Andhra Pradesh. The High Court has set aside the orders of the Government and allowed the Writ Petition. Against, these orders, Smt. Nalubolu Seshamma, W/o. Ramireddy and 8 others have filed W.A. No.481/86 and the Division Bench in its order dated 26.8.86, directed the Government to hold enquiry after due notices to all parties who are interested in the matter as expeditiously as possible and in any event within three months from the date of receipt of a copy of the judgment for allotting Acs.2.87 cents to the appellants. In regard to possession, status quo as it obtained as on that date shall be maintained till the disposal of the matter by the Government.

6. In obedience to the orders of the Division Bench, the Revenue Divisional Officer, Kavali conducted enquiry and found that Sri G.S.Rami Reddy and Smt. Nalabolu Padmavathi are eligible for assignment and hence he allowed an extent of Ac.0.56 cents, under the fold of CJFS. The remaining extent of Ac.2.31 cents for which leases were granted to Sri Nallabolu Ramireddy and others was cancelled by the Revenue Divisional Officer on 26.6.94 and the then Mandal Revenue Officer, Dagardarthi was directed to submit lease proposals for a grant of fresh leases in favour of eligible SC beneficiaries who are interested in WP.No.6016/79 and in W.A.No.481/86.

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7. Against these orders of the Revenue Divisional Officer, Kavali, Sri N. Audisesha Reddy and 5 others have filed appeal before the then Joint Collector and the then Joint Collector upheld the orders of the Revenue Divisional Officer, Kavali on 20.5.1998. Sri N. Audisesha Reddy and 5 others have preferred revision before the Commissioner of Appeals, Hyderabad and the Commissioner of Appeals, Hyderabad while dismissing the revision has confirmed the orders of the Revenue Divisional Officer, Kavali -vide Proceedings No.BCW-3/696/98, dated 28.8.2000.

8. Against the orders of the Commissioner of Appeals, Hyderabad Sri E. Ravinder Reddy and 5 others have filed Writ Petition No.21229/2000 questioning the orders of the Revenue Divisional Officer, Kavali and the Joint Collector, praying the High Court to direct the respondents not to dispossess them from Ac.2.31 cents in Sy.No.294/1 of Peddaputhedu village of Dagadarthi Mandal. The main contention of the Writ Petitioners is that the Division Bench of the Hon'ble High Court in Writ Appeal No.481/86 have directed the Government to hold enquiry about the allotment of land and pass appropriate orders, hence the respondents i.e., the Commissioner of Appeals, Hyderabad, the Joint Collector, Nellore and the Revenue Divisional Officer, Kavali have no jurisdiction to pass any orders in respect of the said lands.

9. In this connection, it is submitted that the then Government Pleader for Revenue (Assignments) in his letter dt.16.12.2000 has requested the Government to inform whether any direction was given by the Government delegating the powers to the Revenue Divisional Officer, Kavali to conduct fresh enquiry, to enable him to finalize the counter in W.P.No.21229/2000.

10. As verified from the office record of the District Collector, Nellore it was found that the Government requested the District Collector to send his remarks on the orders of the High Court in W.A. No. 481/86, in Memo. No.2420/B2/86-1, dt.23.1.87. While furnishing the copy of the said Memo, the Revenue Divisional Officer, Kavali was requested to send his report in the matter and a direction was given in a routine manner to the Revenue Divisional Officer vide District Collector, Nellore, letter dt.2.6.87 to hold enquiry after due notices to all parties interested and to submit his report. Hence, the same was informed to the Government vide Lr.No.Rc.E5.9573/2000, dt.5.6.2006 and requested the Government to ratify the action of the then District Collector, Nellore directing the Revenue Divisional Officer, Kavali to conduct fresh enquiry. The Government in Memo No.45188/Assn.II (2)/03-4, dated 19.7.2006 have ratified the action of the then District Collector in having directed the Revenue Divisional Officer Kavali to hold a fresh enquiry in the matter. While communicating a copy of the said Memo., the Government Pleader was requested to file counter in W.P. No.21229/2006.

11. In the reference 3rd read above, the District Collector, Sri Potti Sriramulu Nellore was requested to furnish connected record in the matter. In the reference 5th read above, the District Collector has furnished record to Government for taking necessary action.

(P.T.O.)

12. Subsequently, Hon'ble High Court in its judgment in W.P.No.21229/ 2006, dated 15.11.2008 has set aside the Proceedings dated 20.8.2000 of Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad and ordered as follows:

"The impugned order of the first respondent, confirming the order of the Joint Collector, who had earlier confirmed the orders of the Revenue Divisional Officer, is, therefore, set aside and the matter is remanded to the Government (the revision authority under the Board Standing Orders) which shall be get the matter enquired into by a competent officer but shall take a final decision by itself after hearing all the parties concerned. The entire exercise in this regard, culminating a final order to be passed by the Government, shall be completed within a period of four months from the date of receipt of copy of this order. Since there has been an interim order of status-quo pending for the past decade and half, ends of justice would be met if the said order of status quo is directed to be continued till final orders are passed as aforementioned."

13. Government took a stand that as they had already ratified the action of the District Collector, Nellore in having ordered the Revenue Divisional Officer, Kavali to hold fresh enquiry into the matter, there is no need to conduct fresh enquiry and the findings of the Revenue Divisional Officer, Kavali can be taken as enquiry conducted at the behest of the Government. Accordingly, Government have decided to conduct hearing duly issuing notices to all the concerned, to comply with High Court Orders. (The status quo orders will be in force till disposal of the case).

14. The connected record was obtained from the District Collector, Sri Potti Sriramulu Nellore. The case was posted for hearing by the Secretary, Revenue Department on 16.5.2009 and 19.9.2009, after two adjournments, the case has come up for hearing on 31.10.2009. Government, after perusal of the connected record, heard the case on 31.10.2009.

15. The Joint Collector, Sri Potti Sriramulu Nellore on the appeal petition filed by Sri Nalubolu Adhishesha Reddy and (5) others of Ramalingapuram, H/o. Peda Puthedu Village of Dagadarthi Mandal against the orders of the Revenue Divisional Officer, Kavali issued in Procs. No. Rc.G.3119/90, dated 26.6.94 has stated that on the enquiry conducted by Revenue Divisional Officer are correct and in the spirit of the directions of the Hon'ble High Court in W.A.No.481/86, dated 26.8.86, that an enquiry should be held for allotment of Acs. 2.07 cents in Sy.No.294/1 of Peda Puthedu Village after due notice to all the concerned.

16. After hearing the revision petitioners and respondent and after perusal of all the connected records, the Government confirms the orders passed by the Revenue Divisional Officer, Kavali issued in Proceedings No.Rc.G.3110/90, dated 26.6.1994 and dismiss the Writ Petition filed by the revision petitioners.

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17. The District Collector, Sri Potti Sriramulu Nellore shall take necessary action, accordingly.

18. The following original records received in the reference 9th read above, are returned herewith to the District Collector, Nellore and he is requested to acknowledge the receipt of the same.

1. Tahsildar, Dagadarthi Office file No.Rc.B/651/87 (containing C.F. pages 888).
2. Revenue Divisional Officer, Kavali office file No.Rc.K/3119/90 (containing C.F. pages 440).
3. Collectorate, Nellore file No.R.Dis.No.6300-A, dated 12.7.1987 (containing pages 20 C.F. and note file pages 2).
4. Collectorate, Nellore file No.9575/2000 (containing C.F. pages 196).

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**RAJESHWAR TIWARI
SECRETARY TO GOVERNMENT**

To

The District Collector, Sri Potti Sriramulu Nellore (with record).

The Chief Commissioner of Land Administration & Special Chief Secretary to Government, Andhra Pradesh, Hyderabad.

The Tahsildar, Dagadarthi Mandal, Sri Potti Sriramulu Nellore District.

Sri Edala Revinder Reddy, S/o. Narayana Reddy & 5 others,

R/o. Ramalingapuram Village, Dagadathi Mandal, Sri Potti Sriramulu Nellore District **through** the Tahsildar, Dagadarthi Mandal, Sri Potti Sriramulu Nellore District.

Sri P.Sridhar Reddy, Advocate, Flat No.202, Sovereign Shelter, Lakidikapool, Hyderabad 500 004 (by Regd. post Ack due).

The P.S. to Secretary to Government, Revenue Department.
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER